

REMARKS

The Office Action sent April 16, 2009 has been received and reviewed. Claims 1-7, 9-13, 15-18, and 20 are pending in the application. Claims 1, 3-5, 15 and 18 have been rejected. Claims 2, 6, 7, 9-13, 16, 17, and 20 have been objected to. The indication of allowable subject matter in claims 2, 6, 7, 9-13, 16, 17, and 20 is noted with appreciation. Claims 1-4, 7, 9, 13, 16, and 20 are presently amended. Claims 6, 8, 14, and 19 have been cancelled. Reconsideration is respectfully requested.

The application is to be amended as previously set forth. All amendments and claim cancellations are made without prejudice or disclaimer. Support for the amendment to claim 1 can be found throughout the Specification and, for example, at paragraphs [0091]-[0094] and original claim 6. The amendments to claims 2 and 20 can be found throughout the specification and, for example at paragraphs [0019], [0029], [0031], [0050]-[0051] and original claim 1. Each of claims 3, 4, 7, 9, 13 and 16 has been amended to improve clarity and maintain claim dependencies, in light of the amendments presented herein. No new matter has been added.

A. 35 U.S.C. § 112, second paragraph

Claims 3 and 4 stand rejected under 35 U.S.C. § 112, second paragraph, as assertedly being indefinite for failing to point out and distinctly claim the subject matter which the applicants regard as the invention. Specifically, it is asserted that phrases within claims 3 and 4 lack sufficient antecedent basis. The claim dependency of each of claims 3 and 4 has been amended to moot the rejection.

Reconsideration and withdrawal of the indefiniteness rejections under 35 U.S.C. § 112, second paragraph, is respectfully requested.

B. 35 U.S.C. § 102

Claims 1 and 5 are rejected under 35 U.S.C. § 102(b) as assertedly being anticipated by EP 0650930 to Dos Santos Lisboa (“Dos Santos Lisboa”). The rejection is traversed, but is also further avoided by the instant clarifying amendment.

Base claim 1 is presently amended to include the “bi-directional water flow by-pass means in the lower end of the electrolytic cell to cause a portion of the total water flow to by-pass said electrolytic cell by passing directly from said inlet to said outlet” of allowable claim 6. Consequently, the anticipation rejection of amended base claim 1 fails.

As dependent claim 5 includes all of the elements of base claim 1, Applicant submits that the anticipation rejection of the dependent claim also fails. In view of the foregoing, Applicant requests that the rejection of base claim 1, and claim 5, which depends therefrom, be withdrawn.

C. 35 U.S.C. § 103(a)

Claim 18 is rejected under 35 U.S.C. § 103(a) as assertedly being obvious based on Dos Santos Lisboa. Claim 18 depends from admittedly allowable amended claim 1. Therefore this rejection is traversed, but is also further avoided by the instant clarifying amendment.

Claims 1, 5, 15, and 18 have been rejected as assertedly being obvious in view of Gale, Dos Santos Lisboa, and US Patent 6,080,313 to Kelada. As previously argued, base claim 1 has been amended to include the elements of allowable claim 6. Accordingly, the obviousness rejection of base claim 1, and claims 5, 25, and 18 depending therefrom, should be withdrawn.

D. Claim Objections

Claims 2, 6, 7, 9-13, 16, 17, and 20 have been objected to as being dependent upon a rejected base claim, but are indicated to contain allowable subject matter and would be allowable if placed in appropriate independent form. Applicants note with appreciation the indication of allowable subject matter, and have included the elements of claim 6 into claim 1. Further, claims 2 and 20 have been made independent and should be allowable.

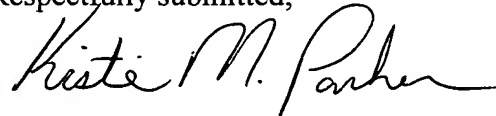
ENTRY OF AMENDMENTS

The amendments to claims 1-4, 7, 9, 13, 16, and 20 should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add new matter to the application.

CONCLUSION

Claims 1-5, 7, 9-13, 15-18, and 20 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, the Examiner is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,



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Date: July 7, 2009
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Document in ProLaw